



## AGENDA BILL APPROVAL FORM

<b>Agenda Subject:</b> Ordinance No. 6279 – Amendments to ACC 19.02 (School Impact Fees)		<b>Date:</b> December 15, 09
<b>Department:</b> Planning, Building & Community	<b>Attachments:</b> Ordinance No. 6279	<b>Budget Impact:</b> \$
<b>Administrative Recommendation:</b>  City Council introduce and adopt Ordinance No. 6279.		
<b>Background Summary:</b>  <p>Title 19 (Impact Fees) of the Auburn City Code contains standards and regulations pertaining to the imposition of impact fees in the City of Auburn. Chapter 19.02 (School Impact Fees) addresses the establishment, calculation, collection and amendment of school impact fees within the municipal boundaries of the City of Auburn.</p> <p>Pursuant to Section 19.02.060 (Annual Council Review) of the Auburn City Code, on at least an annual basis, the Auburn City Council shall review the information submitted by the Districts pursuant to ACC 19.02.050. The review shall be in conjunction with any update of the capital facilities plan element of the city's comprehensive plan. The City Council may also at this time determine if an adjustment to the amount of the impact fees is necessary.</p> <p>The City of Auburn annual Comprehensive Plan Amendment process for 2009 included requests for City approval of the 2009-2015 Auburn School District Capital Facilities Plan, the 2010-2015 Dieringer School District Capital Facilities Plan, the 2010-2015 Federal Way School District Capital Facilities Plan and the 2009-2010 to 2014-2015 Kent School District Capital Facilities Plan. These requests were submitted in accordance with the provisions of Section 19.02.050 (Submission of District Capital Facilities Plan and Data) of the Auburn City Code. The Auburn City Council approved the Districts' Capital Facilities Plans with the adoption of Ordinance No. 6280 on December 7, 2009.</p> <p>L1221-2 F4.3</p>		
<b>Reviewed by Council &amp; Committees:</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Arts Commission  <input type="checkbox"/> Airport  <input type="checkbox"/> Hearing Examiner  <input type="checkbox"/> Human Services  <input type="checkbox"/> Park Board  <input type="checkbox"/> Planning Comm.         </div> <div style="width: 45%;"> <b>COUNCIL COMMITTEES:</b>  <input checked="" type="checkbox"/> Finance  <input type="checkbox"/> Municipal Serv.  <input checked="" type="checkbox"/> Planning &amp; CD  <input type="checkbox"/> Public Works  <input type="checkbox"/> Other _____         </div> </div>		<b>Reviewed by Departments &amp; Divisions:</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Building  <input type="checkbox"/> Cemetery  <input type="checkbox"/> Finance  <input type="checkbox"/> Fire  <input checked="" type="checkbox"/> Legal  <input type="checkbox"/> Public Works         </div> <div style="width: 45%;"> <input type="checkbox"/> M&amp;O  <input type="checkbox"/> Mayor  <input type="checkbox"/> Parks  <input checked="" type="checkbox"/> Planning  <input type="checkbox"/> Police  <input type="checkbox"/> Human Resources         </div> </div>
<b>Action:</b> Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____ <div style="text-align: right;">Call for Public Hearing ____/____/____</div>		
<b>Councilmember:</b> Norman		<b>Staff:</b> Snyder
<b>Meeting Date:</b> December 21, 2009		<b>Item Number:</b> VIII.A.2

The approved Capital Facilities Plans contain proposed school impact fees for each of the Districts. The setting of the actual fees occurs through separate Council action amending Chapter 19.02 of the Auburn City Code. Section 19.02.060 (Annual Council Review) specifies the following:

*On at least an annual basis, the city council shall review the information submitted by the district pursuant to ACC 19.02.050. The review shall be in conjunction with any update of the capital facilities plan element of the city's comprehensive plan. The city council may also at this time determine if an adjustment to the amount of the impact fees is necessary; provided, that any school impact fee adjustment that would increase the school impact fee shall require the submittal of a written request for the adjustment by the applicable school district concurrent with the submittal of the annual capital facilities plan pursuant to ACC 19.02.050. In making its decision to adjust impact fees, the city council will take into consideration the quality and completeness of the information provided in the applicable school district capital facilities plan and may decide to enact a fee less than the amount supported by the capital facilities plan.*

Section 19.02.060 establishes that the Auburn City Council is not obligated to accept the fees proposed by the School Districts within their submitted Capital Facilities Plans and may establish fees that the Council determines are more appropriate and consistent with the public's interest in reasonably mitigating school impacts within the affected portion of the City.

At its December 14, 2009 regular meeting, the Planning and Community Development Committee, on a positive unanimous motion, recommended to the Auburn City Council approval of an amended version of Ordinance No. 6279. The Planning and Community Development Committee's amendment pertained to the school impact fee for the Dieringer School District. The Dieringer School District requested a per single-family dwelling unit fee of \$10,640.00 and a per multi-family dwelling unit fee of \$908.00. The Committee recommended to the Auburn City Council a per single-family dwelling unit fee of \$3,005.00 and a per multi-family dwelling unit fee of \$205.00. The Committee determined that the submitted and approved capital facilities plan for the Dieringer School District did not substantiate the requested school impact fees. The Committee reviewed the 2010 Pierce County School Impact Fee Schedule provided by City staff and determined that Pierce County's approved 2010 school impact fees for the District were more appropriate based on the District's capital facilities plan.\

The City of Auburn Finance Committee discussed Ordinance No. 6279 at its December 21, 2009 meeting.

**ORDINANCE NO. 6 2 7 9**

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF AUBURN, WASHINGTON, AMENDING  
SECTIONS 19.02.115, 19.02.120, 19.02.130 AND  
19.02.140 OF THE AUBURN CITY CODE RELATING  
TO SCHOOL IMPACT FEES

WHEREAS, the City of Auburn has adopted a school impact fee ordinance and collects school impact fees on behalf of certain school districts; and

WHEREAS, the Auburn School District, Kent School District, Dieringer School District and Federal Way School District provided the City of Auburn with updated capital facilities plans to be considered during the City's annual comprehensive plan amendment process that address among other things the appropriate school impact fee for single-family residential development and multi-family development for each District; and

WHEREAS, the Auburn School District issued a Determination of Non-Significance for the 2009-2015 Auburn School District Capital Facilities Plan in April 2009; the Federal Way School District issued a Determination of Non-Significance for the 2010-2015 Federal Way School District Capital Facilities Plan in May 2009 and the Kent School District issued a Determination of Non-Significance for the 2009-2010 to 2014-2015 Kent School District Capital Facilities Plan in June 2009; and

WHEREAS, the City of Auburn issued a Determination of Non-Significance on August 6, 2009 for the City of Auburn Year 2009 City Initiated Comprehensive Map and Policy/Text Amendments that incorporated by reference the previous threshold determinations by the Auburn School District,

the Federal Way School District and the Kent School District, and that further analyzed the capital facilities plan proposal from the Dieringer School District.; and

WHEREAS, the Auburn Planning Commission conducted public hearings on September 9, 2009 for the 2009-2015 Auburn School District Capital Facilities Plan; 2010-2015 Dieringer School District Capital Facilities Plan; 2010-2015 Federal Way School District Capital Facilities Plan; and 2009-2010 to 2014-2015 Kent School District Capital Facilities Plan; and

WHEREAS, following the conclusions of the public hearings on September 9, 2009 and subsequent deliberations, the Auburn Planning Commission, following individual positive motions, made separate recommendations to the Auburn City Council recommending the approval of the 2009-2015 Auburn School District Capital Facilities Plan; the 2010-2015 Dieringer School District Capital Facilities Plan; the 2010-2015 Federal Way School District Capital Facilities Plan; and, the 2009-2010 to 2014-2015 Kent School District Capital Facilities Plan; and

WHEREAS, the Auburn City Council considered the recommendations of the Auburn Planning Commission at a regularly scheduled meeting on December 7, 2009 and on a positive motion action approved the 2009-2015 Auburn School District Capital Facilities Plan; the 2010-2015 Dieringer School District Capital Facilities Plan; the 2010-2015 Federal Way School District Capital Facilities Plan; and, the 2009-2010 to 2014-2015 Kent School District Capital Facilities Plan; and

WHEREAS, the City of Auburn Planning and Community Development Committee at a regularly scheduled meeting on December 14, 2009 recommended to the Auburn City Council the approval of amendments to Title 19 (Impact Fees) and more specifically, Chapter 19.02 (School Impact Fees) pertaining to school impact fees for single-family residential dwelling units and multi-family residential dwelling units to be applied in the City of Auburn for the Auburn School District, Dieringer School District, Federal Way School District and Kent School District, respectively, based on the aforementioned capital facilities plans for each of these Districts; and

WHEREAS, the Auburn City Code provides for adjustments to school impacts fees based on a review of the capital facilities plans; and

WHEREAS, Section 19.02.060 (Annual Council Review) of the Auburn City Code specifies that the Auburn City Council will in making its decision to adjust impact fees take into consideration the quality and completeness of the information provided in the applicable school district capital facilities plan and may decide to enact a fee less than the amount supported by the capital facilities plan; and

WHEREAS, the Auburn City Council considered the recommendation of the Planning and Community Development Committee at a regularly scheduled meeting on December 21, 2009.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Amendment to the City Code.** Section 19.02.115 is hereby

amended as follows.

19.02.115 Impact fee calculation and schedule for the Dieringer School District.

The impact fee calculation and schedule below is based upon a review of the impact fee calculation for single-family residences and for multifamily residences set forth in the most recent version of the Dieringer School District Capital Facilities Plan adopted by the Auburn city council as an element of the Auburn comprehensive plan. The calculation is the determination of the appropriate proportionate share of the costs of public school capital facilities needed to serve new growth and the development to be funded by school impact fees based on the factors defined in ACC 19.02.020.

Effective January 1, ~~2009~~2010, the school impact fee shall be as follows:

Per Single-Family Dwelling Unit	<del>\$3,500.00</del>	<u>\$3,005.00</u>
Per Multifamily Dwelling Unit	<del>\$—0.00</del>	<u>\$ 205.00</u>

**Section 2. Amendment to the City Code.** Section 19.02.120 is hereby

amended as follows.

19.02.120 Impact fee calculation and schedule for the Auburn School District.

The impact fee calculation and schedule is based upon a review of the impact fee calculation for single-family residences and for multifamily residences set forth in the most recent version of the Auburn School District's capital Facilities Plan adopted by the Auburn city council as an element of the Auburn comprehensive plan. The calculation is the determination of the appropriate proportionate share of the costs of public school capital facilities needed to serve new growth and development to be funded by school impact fees based on the factors defined in ACC 19.02.020.

Effective January 1, ~~2009~~2010 the school impact fee shall be as follows:

Per single-Family Dwelling Unit	<del>\$5,374.64</del>	<u>\$5,432.70</u>
Per Multifamily Dwelling Unit	<del>\$—877.02</del>	<u>\$1,184.71</u>

**Section 3. Amendment to the City Code.** Section 19.02.130 is hereby

amended as follows:

19.02.130 Impact fee calculation and schedule for the Kent School District.

The impact fee calculation and schedule is based upon a review of the impact fee calculation for single-family residences and for multifamily residences set forth in the most recent version of the Kent School District's Capital Facilities Plan adopted by the Auburn city council as an element of the Auburn comprehensive plan. The calculation is the determination of the appropriate proportionate share of the costs of public school capital facilities needed to serve new growth and development to be funded by school impact fees based on the factors defined in ACC 19.02.020.

Effective January 1, ~~2009~~2010 the school impact fee shall be as follows:

Per single-Family Dwelling Unit	<del>\$5,304.00</del>	<u>\$5,394.00</u>
Per Multifamily Dwelling Unit	<del>\$3,266.00</del>	<u>\$3,322.00</u>

**Section 4. Amendment to the City Code.** Section 19.02.130 is hereby amended as follows:

19.02.140 Impact fee calculation and schedule for the Federal Way School District.

The impact fee calculation and schedule is based upon a review of the impact fee calculation for single-family residences and for multifamily residences set forth in the most recent version of the Federal Way School District's Capital Facilities Plan adopted by the Auburn city council as an element of the Auburn comprehensive plan. The calculation is the determination of the appropriate proportionate share of the costs of public school capital facilities needed to serve new growth and development to be funded by school impact fees based on the factors defined in ACC 19.02.020.

Effective January 1, ~~2009~~2010 the school impact fee shall be as follows:

Per single-Family Dwelling Unit	<del>\$4,017.00</del>	<u>\$3,832.00</u>
Per Multifamily Dwelling Unit	<del>\$1,733.00</del>	<u>\$2,114.00</u>

**Section 5. Constitutionality and Invalidity.** If any section, subsection sentence, clause, phrase or portion of this Ordinance, is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 6. Implementation.** The Mayor is authorized to implement such administrative procedures as may be necessary to carryout the directions of this legislation.

**Section 7. Effective Date.** This Ordinance shall take effect and be in force five days after publication as required by law and on January 1, 2010.

INTRODUCED: \_\_\_\_\_

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Peter B. Lewis  
MAYOR

ATTEST:

\_\_\_\_\_  
Danielle E. Daskam,  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel B. Heid,  
City Attorney

Published: \_\_\_\_\_